

Amendment
Serial No. 10/810,249

MAY 20 2008

Docket 5000-1-552

REMARKS

Entry of this Amendment and reconsideration of the above-identified application are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending and stand rejected. Claim 1 has been amended. Claim 1 stands objected to for containing informalities.

Applicant thanks the Examiner for his observation and has amended claim 1 as suggested by the Examiner.

For the amendment made to the claim, applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

Claims 1-3, 6-8, 11-13 and 15 stand rejected under 35 USC § 103(a) as being unpatentable over the admitted prior art ("APA") in view of Nishigaki et al and Moehrmann (US 5,509,077), which are the same reference cited in rejecting the claims the prior Office Action. In maintaining the rejection of the claims, the Examiner refers to four different points in which the Examiner states that the elements argued by applicant are not recited in the claims.

After reviewing the Examiner's remarks made in reply to the applicant's prior response, Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend independent claim 1 present the subject matter claimed as the invention in better form. Specifically, the claims have been amended to recite that unique scrambling data information is associated with a user in response to a user request and that the scrambling data information is provided to the user to descramble the received scrambled data, wherein the scrambling data information comprises a scrambling function and initial settings. No new matter has been added. Support for the amendment may be found at least on page 11, lines 14-15 ("[i]n the above method, a specific polynomial $p(x)$ and initial state for each subscriber for scrambling is *determined each time a subscriber* selects a broadcast/image channel") and page 12, lines 9-12 ("[t]he same *polynomials $p(x)$ and initial states 227* as transferred to the *scramblers 22-1, 22-2 and 22-16* are also transferred as signals 228 to the E-PON OLT function processor 27, so that they are converted to Ethernet communication data and then transmitted to each ONT").

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As discussed previously, Moehrmann teaches a system of encoding and transmitting descrambling data to a receiving system (pay-TV receiver) using a code, such as a receiver generated public key or a pre-assigned key, that is assigned to corresponding receiving systems. Moehrmann teaches that the information used for descrambling digital data is transmitted independent of the scrambled digital data. See for example, col. 5, lines 22-37 ("[t]he initial settings of the scramblers ... allocated to the individual pay-TV receivers ... can be repeatedly modified in that the program distribution center calculates a random, new initial setting for the scramblers allocated to the individual pay-TV receivers on the basis of a random number generator Z and communicates the respectively appertaining initial setting of the receiver... New keys can be prescribed for the pay-TV receivers by the program purveyor at certain time intervals ...").

Hence, Moehrmann teaches a system wherein the scrambling function exists in the transmitter and receiver and that **initial settings of scrambling data provided to the receiver(s) on at least a time- or start-up basis.**

Moehrmann fails to teach providing the scrambling information to the receiver, wherein the scrambling information comprises a scrambling function and associated settings, as is recited in the claims.

In addition, the initial settings described by Moehrmann are provided to the receiver on a time or start-up basis and not provided in response to a request for data content, as is recited in the claims.

Under U.S. patent law, a claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, teach all features recited in the claim, or the feature was generally known in the art and that it would within the knowledge of those skilled in the art to incorporate such feature into the prior art.

Independent claim 1, as amended, recites subject matter not described in the teachings of the APA or the cited references because none of the references teaches the associated unique scrambling information to a user and providing the scrambling information to the user, wherein the scrambling information comprises a scrambling function and associated settings.

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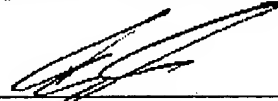
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Hence, the invention claimed in amended claim 1 is not obvious in view of the references and applicant respectfully requests that the rejection be withdrawn.

With regard to the remaining claims in the instant application, each of these claims ultimately depends from claim 1 and are also not obvious by virtue of their dependency upon an allowable base claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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